

**BEFORE THE PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA**

DOCKET NO. 2020-125-E

Application of Dominion Energy)	<u>UNITED STATES DEPARTMENT</u>
South Carolina, Inc. for Adjustment of)	<u>OF DEFENSE AND ALL OTHER</u>
Rates and Charges (See Commission)	<u>FEDERAL EXECUTIVE</u>
Order No. 2020-13))	<u>AGENCIES' REPLY TO DOMINION</u>
)	<u>ENERGY SOUTH CAROLINA'S</u>
)	<u>RESPONSE TO THE JOINDER TO</u>
)	<u>THE OFFICE OF REGULATORY</u>
)	<u>STAFF'S MOTION FOR PARTIAL</u>
)	<u>SUMMARY JUDGMENT</u>
)	
)	

The United States Department of Defense and all other Federal Executive Agencies' (DOD-FEA) hereby replies to Dominion Energy South Carolina's (DESC) letter, which was a response to DOD-FEA's Joinder to the Office of Regulatory Staff's (ORS) Motion for Partial Summary Judgment Regarding Proposed Amendments to Section V of DESC's General Terms and Conditions. On December 9, 2020, DOD-FEA filed a Joinder to ORS's Motion for Partial Summary Judgment. That same day, DESC filed a letter, stating that DOD-FEA's Joinder should be dismissed as being untimely because DESC considered it a response to ORS's Motion for Partial Summary Judgment.

DOD-FEA filed a Joinder to ORS's Motion for Partial Summary Judgment, which is different than a response to a motion for summary judgment. In ORS's Motion for Summary Judgment, ORS's relief seeks for the Commission to deny DESC's proposed amendments to Section V of its General Terms and Conditions. If ORS obtains the relief it seeks, then the proposed amendments would be denied, which is the same relief that

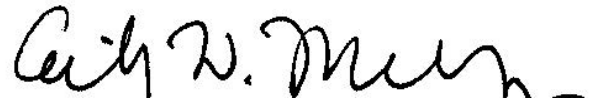
DOD-FEA seeks. As such, there was no reason for DOD-FEA to respond to ORS's motion, as the relief sought would benefit all customers, including DOD-FEA. By contrast, DOD-FEA filed a Joinder to ORS's Motion for Partial Summary Judgment. In DOD-FEA's Joinder, it provides its own grounds as to why DESC's proposed amendments should be denied. DOD-FEA's Joinder is timely because it was filed at least ten days prior to the commencement of the hearing pursuant to Section 103-829 (A) of the South Carolina Code of Regulations. A party does not lose its rights to file a motion for summary judgment if it does not do so within ten days of another party filing its own motion for summary judgment on the same issue. DOD-FEA could have filed a separate motion for summary judgment, arguing the same grounds as it did in the Joinder. However, for judicial efficiency, DOD-FEA filed the Joinder to ORS's Motion for Partial Summary Judgment, so that the Commission is not burdened with ruling on two separate motions for summary judgment, which address the same topic. If the Commission construes DOD-FEA's Joinder to ORS's Motion for Partial Summary Judgment as a "response" under Section 103-829 (A) of the South Carolina Code of Regulations, the Commission has the authority to modify the ten-day requirement for good cause. Because it would be most efficient for the Commission to consider DOD-FEA's grounds set forth in the Joinder at the same time that it considers ORS's grounds, DOD-FEA would respectfully request that the Commission extend the time and allow the Joinder if the Commission so deems the Joinder a response.

WHEREFORE, DOD-FEA would respectfully request that:

1. The Commission deny DESC's request to dismiss DOD-FEA's Joinder; or

2. In the alternative, if the Commission deems the Joinder to be a response, modify the ten-day response period in order to allow DOD-FEA's Joinder as timely; or
3. In the alternative, bifurcate DOD-FEA's Joinder from ORS's Motion for Partial Summary Judgment and consider it as a separate motion; or
4. In the alternative, if the Commission does not grant any of the relief set forth above, DOD-FEA respectfully requests that the Commission issue its ruling with enough time for DOD-FEA to refile a standalone Motion for Partial Summary Judgment, addressing the same issue as it did in its Joinder.

Respectfully submitted,



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